

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

SHAW HOFSTRA & ASSOCIATES,)
INC.,)

Plaintiff,)

vs.)

LADCO DEVELOPMENT, INC.,)

Defendant.)

Case No. 09-0885-CV-W-ODS

ORDER AND OPINION DENYING DEFENDANT'S MOTION TO STRIKE

Pending is Defendant's Motion to Strike, which asks the Court to strike Plaintiff's designation of E. Chrichton Singleton as Defendant's expert witness. Specifically, Defendant objects to Singleton's proposed testimony regarding the percentage of certain tasks that had been completed by Plaintiff. The motion (Doc. # 57) is denied.

Defendant's argument is that Singleton's testimony is irrelevant. The Court is not so sure. In denying Defendant's Motion for Summary Judgment, the Court noted "there are disputed issues regarding the existence and terms of any contract(s) between the parties." Defendant's arguments regarding Singleton depend upon certain factual conclusions being resolved in Defendant's favor, which precludes a determination of the testimony's relevance at this time.

IT IS SO ORDERED.

DATE: December 10, 2010

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT